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BAAQMD Background

➤ Regional Air Pollution Control Agency

- Jurisdiction over air quality in 9 Bay Area counties
- Bay Area population of over 7 million
- Protect and Improve Public Health, Air Quality, and the Global Climate
- 150 million daily average VMT

➤ Responsibilities

- Stationary source regulations & permits
- Plans for attaining/maintaining AQ standards
- Incentive programs to reduce emissions from motor vehicles
- Coordinate with regional agencies, cities and counties, transit agencies on transportation and land use programs to reduce motor vehicle emissions

California Air Districts



What's Being Asked of Us? (...generally)

Judicial Signals

(also consider AG letters)

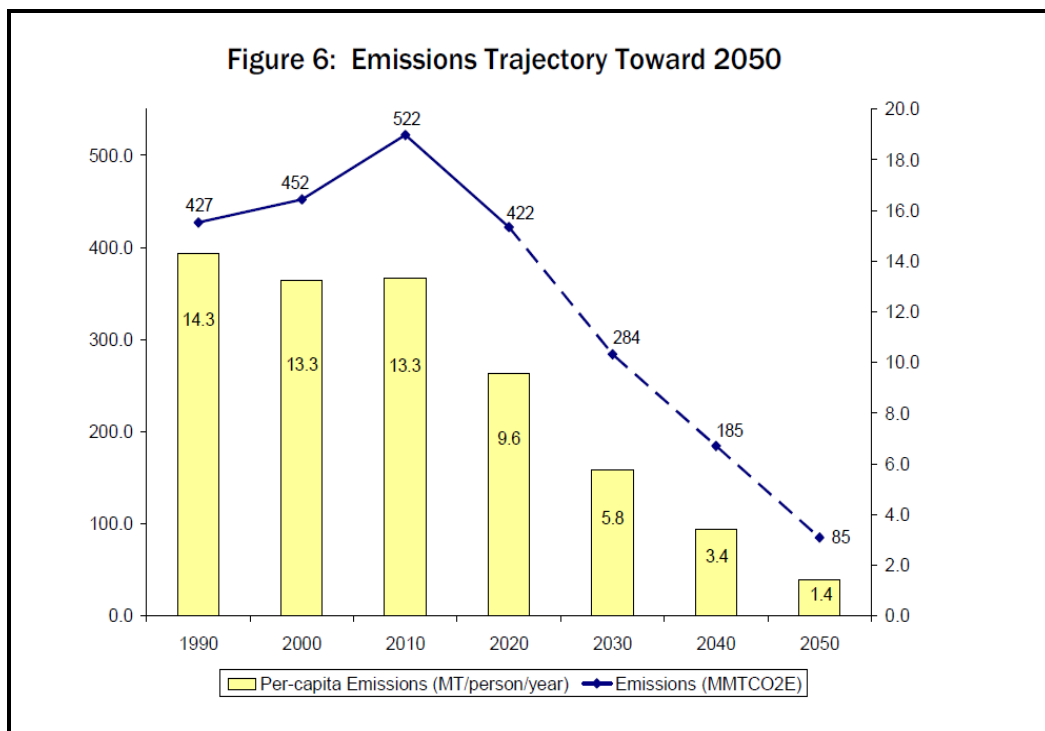
- Communities for a Better Environment, et al. vs. City of Richmond (2010)
- Cleveland National Forest Foundation, et al. vs. San Diego Association of Governments (2011)
- Center for Community Action and Environmental Justice et al. vs. County of Riverside, et al. (2011)
- City of San Diego vs. Board of Trustees of the California State University (2011)
- Center for Biological Diversity, et al. vs. California Department of Fish & Game (2012)

Some Take-Away Notes

- Careful to avoid deferring mitigation, if needed, to future date without **some indication** of effectiveness
- Obligation to explore all **possible** mitigations in light of severity of the potential impact
- Importance of substantiating conclusions with evidence **in the record** to support a final decision
- Not asking the impossible or to exhaust every possible remedy **that may** present a solution
- Using hypothetical scenarios and BAU estimate towards **informing** the land use decision

The Effect of a Target or Trajectory

Executive Order S-3-05



Source: Climate Change Scoping Plan (2008), at page 118

Perhaps the most crucial step in developing the plan.

- Defined by the scope of GHG emissions to be addressed (i.e. the inventory)
- Establishes the benchmark to assist in determining provisions and other requirements (i.e. how emissions will be reduced)
- Crucial towards how a community can better understand the issue
- Is the end-game a *target* or a *trajectory*?

Crafting Measures

Which do I Pursue

...depends. Is it a plan or a project?

- Weigh abilities that local governments have to influence some types and sources of emissions more than others (i.e. waste generation, building standards vs. industrial operations, energy production etc.)
- Consider the nature of the planning endeavor (i.e. General Plan Update or Development Review Process)
- Contemplate the characteristics of a development that are planned for or are encouraged (i.e. design attributes like water savings or inherent values such as being located near transit)

Formulate Ways to Avoid, Reduce, or Minimize

From the project (or developers) perspective...is it a grocery list?

Mandatory

- Recycling Ordinances
- Overall Waste Reduction
- Solid Waste Diversion Rates
- Minimum Composting Standards
- Increased Energy Efficiencies
- Maximum Parking Standards
- Reclaimed Water Systems
- Transit Subsidies...etc...etc...

Incentive Based

- Electric Vehicle Parking
- Parking Cash-out
- Energy Rebates...etc...etc...

Voluntary

- Employee Carpooling
- School Pool
- Rideshare
- Water-efficient Landscaping
- Alternative Fuels...etc...etc...

Measures in a Local Plan to Reduce GHG Emissions

"Your" Community & It's Gas

- ▶ How efficient can we get?

A bulk of community emissions will be addressed through broader state-level efforts (e.g. vehicle emission standards, renewable energy portfolios...). Indeed. Experience is revealing a heavy reliance on efficiency measures and technological approaches, this may become increasingly problematic.

- ▶ The State is pretty busy, does this mean we can do little to nothing?

No. Climate change calls for advanced approaches to planning. Must consider how parts of a plan will be implemented through a project-by-project approval process while, in the broader context, weighing how community-wide GHG emissions are anticipated to change over time.

- ▶ How do I show implementation and success?

Requires a commitment of resources and time to monitor all measures: local, state, and other. A degree of regular reporting may be necessary and incorporating a feedback mechanism to update the plan is recommended.

BAAQMD Tips

BAAQMD staff has been actively working with local governments and consultants to improve and advance climate action planning.

Some criteria we use to assess the efficacy of a plan and its measures include:

- What is the magnitude of emissions in the community?
- What reductions are necessitated by the plan's goals?
- What sectors are targeted for reductions?
- How realistic are reductions to occur given the types of measures?
- Which reductions are attributed to local action?



CAP Measures & CEQA

Arising Issues To Consider

- ▶ Rule of Reason

Certainty that reductions occur to address the impact, not to rely heavily on state measures

- ▶ Affording Failure

Install a “buffer” to absorb short-coming of certain measures or if new development that was anticipated does not occur

- ▶ Later Use

Under CEQA, there are specific requirements and also general rules of thumb. Tiering is governed by separate, but intertwined, provisions to a plan-approach for cumulative analysis

- ▶ What's Required of the Project

State CEQA Guidelines §15183.5 sets out a general process consistent with existing case law and other provisions in the statute. Time to revisit when thinking of implementation?

It's Adopted... Now what?

There's a growing number of CAPs being developed, a looming challenge is implementing them, what should be considering?

- Thoughts:

- "Consistency with a plan"

- Largely untested but supported by case law. What are the some of they key traits and characteristics that are scrutinized de novo?

- "Pit Falls"

- A voluntary plan raises the question of being *fully* implemented. If projects are only asked to consider or contemplate measures, what's actually achieved from one project to the next?

- "Checklists"

- Presents advantages and provides a sense of certainty for the planner and the decision-makers

- "Ambiguity"

- CAPs can be multidimensional and must be dynamic to respond to future changing conditions. Begs whether what is asked of project is clear enough to understand and can be accurately tracked as we inch closer to target dates

Helpful Resources & Tools

- ▶ BAAQMD GHG Plan Level Guidance

Developing inventories and projections, quantifying emission reductions, and effective strategies

- ▶ Recommended & Suggested Policy Language

CAPCOA Model Policies for GHG Emissions in General Plans (2009)

- ▶ Measures to Consider

CAPCOA Quantifying GHG Mitigation Measures (2010)

- ▶ ILG Local Government Best Practices Framework

Suggested local actions to reduce emissions

- ▶ Cool California Climate Action Planning Guide

Toolkits to identify cost saving actions, financial resources, and case studies

- ▶ Ongoing International Efforts

World Resources Institute GHG Protocol, Mitigation Goals Accounting & Reporting Standard